

Interview Summary

The Examiner's Interview Summary mailed April 25, 2007 accurately reflects the substance of the Interview held March 30, 2007.

REMARKS

The withdrawal of the finality of the previous Action, i.e. mailed February 21, 2007, is noted, with thanks.

The rejection of claims 1-4, 6-8, 13-15 and 19-30 under 35 USC § 102 as anticipated by Hendricks et al. (US Patent 6,738,978), is in error. Applicant's independent system claims 1 and 20 require a commercial message transmitting and receiving system with an advertiser terminal that distributes a plurality of commercial material over "a same channel frequency and during a same time period". Hendricks et al. teaches a system that transmits different commercial messages at different frequencies (column 37, lines 50-55). And, Applicant's independent method claims 13 and 27 require demodulating new channel frequency based upon attribute data set by the user. Hendricks et al. teaches a system that collects attribute data and then selects and sends a specific signal to a specific set top terminal (column 37, lines 35-47). Accordingly, Hendricks et al. cannot be said to anticipate any of Applicant's independent claims 1, 13, 20 or 27 and the several claims dependent directly or indirectly thereon.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

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Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on MAY 25, 2007, at Tucson, Arizona.

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